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*Attorneys for Defendant Rocky Mountain Hospital  
and Medical Service, Inc. dba Anthem Blue Cross and Blue Shield*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MAX HEALTH, INC., a Nevada corporation,

Plaintiffs,

vs.

ROCKY MOUNTAIN HOSPITAL AND  
MEDICAL SERVICES, INC., a foreign  
corporation doing business as ANTHEM BLUE  
CROSS AND BLUE SHIELD, individuals,  
DOES I through X, and ROE ENTITIES XI  
through XX, inclusive,

Defendants.

Case No: 2:24-cv-00633-CDS-BNW

**STIPULATION TO EXTEND  
DISCOVERY DEADLINES**

**(First Request)**

Defendant Rocky Mountain Hospital and Medical Service, Inc. d/b/a Anthem Blue Cross and Blue Shield ("Defendant"), incorrectly named as Rocky Mountain Hospital and Medical Services, Inc., by and through its counsel of record, the law firm of Peterson Baker, PLLC, and Plaintiff Max Health, Inc., ("Plaintiff"), by and through its counsel of record, David A. Stephens, Esq., hereby

1 stipulate and agree, subject to the Court's approval, to extend certain discovery and pretrial deadlines.  
2 This is the first request to modify the Discovery Plan and Scheduling Order [ECF No. 14].

3 **1. A Statement Specifying the Discovery Completed to Date:**

4 On May 23, 2024, Defendant served its Initial Disclosures pursuant to Fed. R. Civ. P.  
5 26(a)(1)(A). On October 24, 2024, Plaintiff served its List of Witnesses and Exhibits for Purposes  
6 of FRCP 26.

7 On August 9, 2024, the Court entered the parties' Protective Order and Confidentiality  
8 Agreement (ECF No. 17).

9 On November 25, 2024, Plaintiff served its First Set of Requests for Production of Documents  
10 to Rocky Mountain Hospital and Medical Services [sic], Inc. Additionally, on the same day, Plaintiff  
11 served its First Set of Interrogatories to Rocky Mountain Hospital and Medical Services [sic], Inc.

12 On December 2, 2024, Defendant produced its documents identified as ANTHEM0001  
13 through ANTHEM 000279.

14 On January 21, 2025, Defendant served its Responses and Objections to Plaintiff's First Set  
15 of Requests for Production of Documents and served its Responses and Objections to Plaintiff's First  
16 Set of Interrogatories.

17 **2. A Specific Description of the Discovery that Remains to Be Completed:**

18 Plaintiff and Defendant will continue to supplement their disclosures and it is anticipated that  
19 the parties will seek to schedule depositions of parties and witnesses. The extended time will allow  
20 adequate time for the parties to conduct discovery, including propounding and answering written  
21 discovery, and scheduling party and third-party depositions.  
22

23 **3. Reasons Why Discovery Was Not Completed and Why an Extension is Necessary:**

24 On May 16, 2024, the parties submitted their Proposed Discovery Plan / Scheduling Order  
25 [ECF No. 13], which was approved by the Court on May 20, 2024 [ECF No. 14].  
26

27 On January 30, 2025, the Court entered an order granting Defendant's Motion to Dismiss  
28 Plaintiff's Complaint without prejudice. The Court dismissed the complaint on file in this case

without prejudice. [ECF No. 22]. The Court permitted Plaintiff to file an amended complaint by February 28, 2025 [ECF No. 22].

Plaintiff, through counsel, has expressed its intention to file an amended complaint on or before February 28, 2025.

In light of the amended complaint being filed by February 28, 2025, the parties have conferred and agree that additional time will be necessary to conduct discovery, file dispositive motions, and prepare for trial. The parties further agree that as to the deadline for the discovery cut-off, excusable neglect exists to extend this deadline, since the pleadings in this case are not resolved due to the Order dismissing all claims without prejudice.

**4. Proposed Schedule for Completing All Remaining Discovery:**

The parties respectfully request that this Court enter an Order setting the following schedule for all remaining discovery:

| DESCRIPTION                   | CURRENT DEADLINE   | PROPOSED DEADLINE   |
|-------------------------------|--|---|
| Discovery Cut-Off             | February 4, 2025   | June 4, 2025  |
| Dispositive Motion Deadline   | March 6, 2026  | July 3, 2025  |
| Joint Proposed Pretrial Order | April 4, 2025, or<br>In the event that dispositive motions are filed, this date is suspended until thirty (30) days after the Court enters its decision on the dispositive motions | August 4, 2025, or<br>In the event that dispositive motions are filed, this date is suspended until thirty (30) days after the Court enters its decision on the dispositive motion(s) |

Good cause exists here because the parties have been diligently working to conduct necessary discovery, engage in discussions regarding resolution of the matter, and need additional time in light of the unsettled state of the pleadings. As to the deadlines that have passed, excusable neglect exists because the Court dismissed the complaint on file in this case [ECF No. 1] by Order [ECF No. 22] but permitted the Plaintiff to file an amended complaint.

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This stipulation is without prejudice to either party, is made in good faith, with good cause, and not for the purpose of unduly delaying discovery or trial.

**IT IS SO STIPULATED.**

**DATED:** February 13, 2025.

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STEPHENS LAW OFFICES

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*Attorneys for Max Health, Inc.*

*Attorneys for Defendant Rocky Mountain  
Hospital and Medical Service, Inc. dba Anthem  
Blue Cross and Blue Shield*

**ORDER**

IT IS SO ORDERED.

DATED this 14 day of February, 2025.

  
U.S. MAGISTRATE JUDGE

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